

### REMARKS

Claims 17-38, 40-43 are currently pending, in which claims 17, 31 and 33 are independent. Due to claim 39 being inadvertently excluded, the claims have been renumbered to account for this absence of a claim. As such, renumbered claims 17-42 are pending. Claims 17, 31 and 33 have been amended. No new matter has been entered by way of these of amendments. Favorable reconsideration and reexamination of the action is respectfully requested in view of the following comments of the Applicants, which are preceded by related comments of the Examiner in small bold type:

#### ***Claim Rejections - 35 USC § 103***

**Claims 17-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLapa et al. (6,076,068 hereinafter DeLapa) in view of Langseth et al. (6,694,316 hereinafter Langseth) .**

Independent claim 17, as amended, is directed to a computer implemented method for managing and distributing offers that includes producing a marketing campaign. The marketing campaign has offers specified by offer data processing rules from which one or more of the offers are identified for targeting specific individuals. The method also includes prioritizing offers for an individual to determine which offer should be sent to the individual from multiple offers associated with the individual based upon at least one privacy characteristic defined by the individual. A prioritized offer is selected from the prioritized offers for presenting to the individual associated with those prioritized offers. The method also includes presenting the selected prioritized offer to the associated individual over one of a plurality of delivery channels associated with the prioritized offer.

Independent claim 17 has been amended such that "prioritizing offers for an individual to determine which offer should be sent to the individual, based upon at least one privacy characteristic defined by the individual, from multiple offers associated with the individual." By prioritizing offers based upon individual privacy characteristics, a "privacy filter" is produced. In this regard, the originally filed application reads:

Delivery component 125 provides a mechanism by which a customer 110 may control the delivery of offers. Referring to FIG. 7, in an example of this mechanism, an offer display 710 presented to a customer through a client email application includes a offer content portion 720, which describes the offer, and an offer control portion 730, which the customer can use to provide feedback to the offer management system. The offer control portion includes one or more controls. For instance, a user can adjust a slider 732 to indicate the frequency of offers he or she wants to receive. Selector buttons 734 indicate preferences, such as whether particular personal information can be used to select further offers, whether that personal information may be shared with other organizations, or the types of offers that the customer is willing to accept. A web-based presentation includes similar offer controls. The feedback provided by the customer is accepted by a web server application 650, and the information provided is used to update that customer's profile. This information then later affect the selection and timing of offers by offer broker 610 for that customer. This mechanism can be thought of as a "privacy filter" in that the customer can select the degree of intrusion that he wants without violating his privacy. In some embodiments, the feedback also specifies other privacy-related characteristics, such as whether to use their browsing patterns in selecting what offers to make, and whether information related to their response to offers may be shared with other organizations. (page 15, line 34 to page 16, line 15)

In contrast, the teachings of DeLapa and Langseth, individually or in combination, fail to disclose or suggest prioritizing offers for an individual, based upon at least one privacy characteristic defined by the individual, from multiple offers. DeLapa is understood to describe a computer-implemented method of generating coupons to provide discounts for purchases and providing a computer-based kiosk at a retail establishment (see, e.g., col. 3, lines 28-31). DeLapa also appears to present targeted coupons to a specific household by tracking accumulative purchases by that household within a particular period of time (see, e.g., col. 8, lines 43-47). Langseth is understood to disclose a system and method for providing a plurality of channels of personalized and timely information to system subscribers (see, e.g., summary). The channels in Langseth are used to provide information and transactional data about a particular field of interest, such as business, weather, sports, news, investments, traffics, radio content, television content, and others (see, e.g., col. 3, lines 12-20). To subscribe, Langseth merely states that individuals can sign up and receive information of their interest.

For at least these reasons, amended claim 17 is believed to be patentable over DeLapa in view of Langseth. Amended independent claims 31 and 33 include limitations that are similar to

those of independent claim 17. These claims are also believed to be allowable for at least the same reasons noted above.

Each of the pending dependent claims are also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been addressed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2191.

\$120 for the required Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 10235-048001.

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Serial No. : 09/777,614  
Filed : February 5, 2001  
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Attorney's Docket No.: 10235-048001

Respectfully submitted,

Date: 7 May 2008



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